

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DANIEL J. WIK, Plaintiff, -vs- DONALD R. KUNEGO, Defendant.	RESPONSE TO PLAINTIFF'S REQUEST FOR DOCUMENTS Index No. 11 CV 6205
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Defendant, DONALD R. KUNEGO, by and through his attorneys, LIPPMAN O'CONNOR,
responds to Plaintiff's Request for Documents as follows:

GENERAL OBJECTION

The Defendant, DONALD R. KUNEGO objects to these requests to the extent that they call for the production of "any", "all" or "each" of a category of documents or information. Such requests place an impossible burden on this defendant which is far beyond that imposed by the FRCP. It is impossible to represent, even after a diligent search, that all, each and every document or thing falling within a description can be or has been located. Documents may be kept in a myriad of locations or files. Many people may have handled them. They may have been moved frequently and may have been arranged, rearranged or reordered. Documents may have been lost or may have been part of materials disposed of in accordance with a record retention program. Individuals with discrete knowledge relative to the existence or storage of documents may have left their employment, taking that knowledge with them. Therefore, DONALD R. KUNEGO cannot warrant or represent that he has produced each or all of every document or thing of a type requested, only that it has produced those which it could locate after a reasonably diligent search. Any further requirement is objected to as unduly burdensome. Notwithstanding the foregoing objection the following responses are provided.

1. The Bergen Town Clerk has already provided to the Plaintiff any and all oaths and bond/information. Upon information and belief, the Defendant does not possess any other responsive documents.

2. Attached hereto as **Exhibit A** are copies of training certificates for the Hon. Donald R. Kunego for the years of 2008, 2009 and 2010.
3. Defendant is not in possession of any responsive documents.
4. The Defendant will supplement this response should any responsive documents be discovered.
5. The Defendant will supplement this response should any responsive documents be discovered.
6. Defendant is not in possession of any responsive documents.
7. Defendant is not in possession of any responsive documentation. Upon information and belief, all employees are covered under blanket bond, and we are not aware of a resolution referenced in your request.
8. Attached hereto as **Exhibit B** is a copy of the 2010 Justice Court Summary.
9. Defendant is not in possession of any documentation beyond those documents attached to this pleading.
10. Defendant is not in possession of any responsive documents.
11. None.
12. Responsive records have been provided to Plaintiff via Defendant's Response to Plaintiff's Request for Documents in Case No. 11 CV 6220 CJS (Wik v. Swapceinski).
13. A copy of the Court's file for Case No. 10070055 is attached as **Exhibit C**. There is also an audio file on disc that has been previously disclosed to the Plaintiff.
14. Defendant is not in possession of any responsive documents.
15. Defendant is not in possession of any responsive documents.

Dated: Buffalo, New York
January 24, 2012

LIPPMAN O'CONNOR

By: /s/ Robert H. Flynn, Esq.
Robert H. Flynn, Esq.
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659 Averil Avenue
Rochester, New York 14416

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Plaintiff

vs.

DONALD R. KUNEGO,

Defendant

CERTIFICATE OF SERVICE

Civ No.: 11 CV 6205

I hereby certify that on January 26, 2012, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case.

And I hereby certify that a true copy of the Response to Plaintiff's Request for Documents was mailed by the United States Postal Service to the following non-CM/ECF participants:

TO: Daniel J. Wik
Pro Se Plaintiff
c/o non-domestic
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Rochester, New York 14416

LIPPMAN O'CONNOR

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